

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) DANNY BASHAM,	)		
	)		
Plaintiff,	)		
	)		
vs.	)	Case No.	15-CV-373-RAW
	)		
(1) ACTION GROUP STAFFING, a domestic	)		
For profit business corporation, and	)		
(2) UNARCO INDUSTRIES, LLC, a foreign	)		
Limited Liability Company,	)		
	)		
Defendant.	)		

**NOTICE OF REMOVAL**

TO: PLAINTIFF DANNY BASHAM AND  
HIS ATTORNEY OF RECORD

Pursuant to 28 U.S.C. §§ 1441(a) and (c), 1446, and LCvR 81.2, Defendant, UNARCO Industries, LLC ("Defendant"), hereby files with this Court its Notice of Removal from the District Court of Wagoner County, State of Oklahoma, Case No. CJ-2015-0298, styled *Danny Basham, Plaintiff, v. Action Group Staffing and UNARCO Industries, LLC, Defendants*.

The following statements are submitted pursuant to 28 U.S.C. § 1446:

1. Pursuant to LCvR 81.2 of the United States District Court for the Eastern District of Oklahoma, copies of all matters filed of record in the state court proceedings or served upon Defendant are attached hereto, along with a copy of the docket sheet in the underlying case, and all such matters include the following:

- a. Plaintiff's Complaint in Case No. CJ-2015-0298;
- b. Entry of Appearance by Chris Hammons;
- c. Return of Service, Action Group Staffing; and
- d. Return of Service, UNARCO Industries, LLC.

2. Plaintiff alleges a cause of action for race discrimination-hostile work environment and race discrimination-wrongful termination, in violation of Title VII of the Civil Rights Act, 42 U.S.C. §§

2000e, the Oklahoma Anti-Discrimination Act, and 42 U.S.C. 1981; a cause of action for age discrimination-hostile work environment and age discrimination-wrongful termination, in violation of the Age Discrimination in Employment Act of 1967; a cause of action for negligent hiring, supervision and retention; and a cause of action for discrimination on the basis of disability, in violation of the Americans with Disabilities Act; *See* Petition, ¶¶ 22, 32, 39, 49, 56, 59.

3. Plaintiff also alleges a cause of action for workers' compensation retaliation against Defendants. Unarco is not removing that cause of action to this Court. Accordingly, Plaintiff's workers' compensation retaliation claim will remain in the District Court of Wagoner County, State of Oklahoma. *See* Petition, ¶ 66.

4. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331.

WHEREFORE, Defendant, UNARCO Industries, LLC, prays that the above action now pending against it in the District Court of Wagoner County, State of Oklahoma, be removed to this Court.

Respectfully submitted,

**NEWTON, O'CONNOR, TURNER & KETCHUM  
A PROFESSIONAL CORPORATION**

By: /s/ W. Kirk Turner

W. Kirk Turner, OBA #13791  
Rachel B. Crawford, OBA #20662  
15 West 6th Street, Suite 2700  
Tulsa, Oklahoma 74119  
(918) 587-0101  
(918) 587-0102 (facsimile)  
[kturner@newtonoconnor.com](mailto:kturner@newtonoconnor.com)  
[rcrawford@newtonoconnor.com](mailto:rcrawford@newtonoconnor.com)

**ATTORNEYS FOR DEFENDANT,  
UNARCO INDUSTRIES, LLC**

**CERTIFICATE OF SERVICE**

- ☐ I hereby certify that on \_\_\_\_\_, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:
- ☒ I hereby certify that on September 28, 2015, 2015, I served the foregoing document by mail on the following, who are not registered participants of the ECF System:

Chris Hammons  
Laird Hammons Laird  
1230 SW 89<sup>th</sup> Street, Suite A  
Oklahoma City, OK 73139

/s/ W. Kirk Turner

W. Kirk Turner